32692 Customer Number

Patent Case No.: 48317US032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:

JAPUNTICH, DANIEL A.

Application No.:

09/837714

Group Art Unit: 3743

Filed:

April 18, 2001

Examiner:

Aaron J. Lewis

Title:

METHOD OF MAKING A FILTERING FACE MASK THAT HAS AN

EXHALATION VALVE

Information Disclosure Statement

Mail Stop: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CE	RTIFICAT	E OF M	AILING	OR	TRANSMISSION	137	CFR §	1.8(#)]
		_						

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Itransmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

February 25, 2005

Dear Sir:

Pursuant to 37 CFR §§ 1.56, 1.97, and 1.98, enclosed is a completed Form PTO-1449, citing references submitted for consideration by the Examiner. It is respectfully requested that the Examiner initial and return the enclosed Form PTO-1449 to indicate that each reference has been considered.

Copies of any cited foreign patents, foreign publications, non-patent literature documents, and any pending U.S. applications filed before June 30, 2003, are enclosed. Copies of any pending U.S. applications filed after June 30, 2003 that can be accessed on the USPTO's IFW system are not enclosed as per USPTO Waiver dated September 21, 2004. Copies of any U.S. patents and published U.S. patent applications are not enclosed.

Please be informed that applicants have brought suit against Moldex Metric Inc. and the Louis M. Gerson Company for patent infringement of U.S. Patent 6,843,248 B2 to Japuntich et al. This patent is in the same family as the present application since it too claims priority to the same parent applications. The respiratory mask that is sold by Moldex and that is the subject of the lawsuit includes the valve that is published in U.S. Patent 6,047,698 to Magidson et al. The Gerson Company sells filtering face masks that use a LPD valve that can be viewed on the Gerson website

Application No.: 09/837714

Case No.: 48317US032

at www.gersonco.com. The lawsuits against both Moldex and Gerson are pending in the United States District Court for the District of Minnesota under court docket numbers 03-5292 MJD/JGL and 05-CV-26 (MJD/JGL), respectively. Please let applicant's attorney know if additional information is need with respect to these lawsuits.

A Request for Continued Examination under 37 CFR § 1.114 is being filed concurrently, thus it is believed that no fee is due for this Information Disclosure Statement.

Respectfully submitted,

February Z. 2005

Date

Karl G. Hanson, Reg. No.: 32,900

Telephone No.: (651) 736-7776

Office of Intellectual Property Counsel 3M Innovative Properties Company

Facsimile No.: 651-736-3833

Substitute for form 1449A/PTO (modified)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Page 1 of 1

Application Number	09/837714
Filing Date	April 18, 2001
First Named Inventor	Japuntich, Daniel A.
Art Unit	3743
Examiner Name	Aaron J. Lewis
Attorney Case Number	48317US032

U.S. Patent Documents							
Exam.	Cite	Document Number	Publication Date or lasue Date MM-DD-YYYY	Name of Patentee	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		
Init.*	No.	Doc. Number-(Kind Code If Known)		or Applicant of Cited Document			
	A1	US-					
	A2	US-					
	А3	US-					
	A4	US-					
·	A5	US-					
	A6	US-					
	A7	US-					
•	A8	US-					
	A9	US-					
	A10	US-					
	A11	US-					

Foreign Patent Documents								
Exam. Init,*	Citie No.	Foreign Palent Document		Publication Date	Name of Patentee or	Pages, Columns, Lines,	Translation	
		Ctry. Code	Number-KindCode (if known)	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	(Check If yes)	
	B1	EP	0 252 890	01-13-1988				
	B2	JP	58-168314					
	ВЗ	JP	55-168359	•				
	B4							
	B 5							
	B6							
	B 7							

OTHER DOCUMENTS						
Exam. Ink."	Cita No.	and the second of the second s				
	C1	Abstracts for JP 58-168314 and JP 55-168359				
	C2					
	СЗ					

	•	Ex	an	nlı	nė	r:
--	---	----	----	-----	----	----

Date Considered:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.